

FIRST REGULAR SESSION

# SENATE BILL NO. 451

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time February 6, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2049S.011

## AN ACT

To repeal sections 414.012, 414.032, 414.042, 414.052, 414.112, and 414.122, RSMo, and to enact in lieu thereof six new sections relating to automotive lubricants.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 414.012, 414.032, 414.042, 414.052, 414.112, and  
2 414.122, RSMo, are repealed and six new sections enacted in lieu thereof, to be  
3 known as sections 414.012, 414.032, 414.042, 414.052, 414.112, and 414.122, to  
4 read as follows:

414.012. As used in this chapter, the following words mean:

2 (1) "American Society for Testing and Materials (ASTM)", a scientific and  
3 technical organization formed for the development of standards on characteristics  
4 and performance of materials, products, systems, and services, and the promotion  
5 of related knowledge;

6 (2) "**Automotive lubricants**", any material interposed between two  
7 surfaces that reduces the friction or wear between them;

8 (3) "Aviation turbine fuel (jet fuel)", a refined oil intended for use as a  
9 source of energy for jet aircraft, the classification of which shall be defined by the  
10 American Society for Testing and Materials (ASTM);

11 [(3)] (4) "Barrel", for the purposes of sections 414.012 to 414.152, fifty  
12 gallons shall constitute a barrel;

13 [(4)] (5) "Closed container", a container so sealed by means of a lid or  
14 other device that neither liquid nor vapor will escape from it at ordinary  
15 temperatures;

16 [(5)] (6) "Combustible liquid", those liquids as defined by the most  
17 current issue of Booklet 30 of the National Fire Protection Association entitled

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 Flammable and Combustible Liquid Code;

19 [(6)] (7) "Container", any vessel of sixty United States gallons or less  
20 capacity used for transporting or storing flammable or combustible liquids;

21 [(7)] (8) "Department", the Missouri state department of agriculture;

22 [(8)] (9) "Diesel fuel", refined oils commonly used in internal combustion  
23 engines where ignited by pressure and not by electric spark, the classification of  
24 which shall be defined by the American Society for Testing and Materials  
25 (ASTM);

26 [(9)] (10) "Director", the director of agriculture of the Missouri state  
27 department of agriculture or his delegated representative;

28 [(10)] (11) "Flammable liquids", those liquids as defined by the most  
29 current issue of Booklet 30 of the National Fire Protection Association entitled  
30 Flammable and Combustible Liquid Code;

31 [(11)] (12) "Gasoline", a volatile mixture of liquid hydrocarbons generally  
32 containing small amounts of additives suitable for use as a fuel in spark-ignition  
33 internal combustion engines;

34 [(12)] (13) "Gasoline-alcohol blend", a blend consisting primarily of  
35 gasoline and a substantial amount of one or more alcohols;

36 [(13)] (14) "Heating oil (fuel oil)", a refined oil intended for use as a  
37 furnace oil, range oil or fuel oil for heating or cooking purposes;

38 [(14)] (15) "Kerosene", a refined oil intended for heating or illuminating  
39 use, the classification of which shall be defined by the American Society for  
40 Testing and Materials (ASTM);

41 [(15)] (16) "Motor fuel", any liquid product used for the generation of  
42 power in an internal combustion engine;

43 [(16)] (17) "Person", both plural and singular, as the case demands, and  
44 includes individuals, partnerships, corporations, companies, firms, societies, and  
45 associations;

46 (18) **"Petroleum products", products obtained from distilling and**  
47 **processing of crude oil petroleum, unfinished oils, recycled oils, natural**  
48 **gas liquids, refinery blend stocks, and other hydrocarbon compounds.**

414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel,  
2 gasoline, gasoline-alcohol blends [and], other motor fuels, **and automotive**  
3 **lubricants** shall meet the requirements in the annual book of ASTM standards  
4 and supplements thereto. **When no ASTM standard exists, the department**  
5 **may adopt other generally recognized national consensus standards by**

6 **rule.** The director may promulgate rules and regulations on the **posting of**  
7 **prices at the gas station or convenience store,** labeling, standards for, and  
8 identity of [motor] fuels [and heating oils], **petroleum products, and**  
9 **automotive lubricants.**

10 2. The director may inspect gasoline, gasoline-alcohol blends or other  
11 motor fuels to insure that these fuels conform to advertised grade and octane. [In  
12 no event shall the penalty for a first violation of this section exceed a written  
13 reprimand] **Unless it is necessary to protect the public's health or safety,**  
14 **the penalty for a first violation of this section shall not exceed a**  
15 **written reprimand.**

414.042. 1. When offered for sale or when used in this state, kerosene,  
2 diesel fuel, heating oil, aviation turbine fuel, gasoline, gasoline-alcohol blends,  
3 and other motor fuels shall be tested and meet the requirements as provided in  
4 this chapter. Every dealer, distributor, producer or compounder of such oil or fuel  
5 shall immediately upon request make available to the director a sample of  
6 gasoline, gasoline-alcohol blends, diesel fuel, heating oil, kerosene, aviation  
7 turbine fuel, [and] other motor fuels, **and automotive lubricants** at his own  
8 expense. The director shall inspect and test all requested samples for compliance  
9 with the provisions of this chapter.

10 2. The director shall not be required to make a complete analysis of all  
11 samples tested pursuant to subsection 1 of this section.

12 3. If it is demonstrated that some impurity or imperfection exists in the  
13 sampled product to render it unfit for its intended purposes, the director may  
14 reject the product for such purposes by issuing a stop-sale order.

414.052. 1. All premises including bulk storage installations, terminals,  
2 dispensing or distributing facilities, equipment, appliances or devices utilized for  
3 the sale of products regulated by sections 414.012 to 414.152 shall be kept in such  
4 condition as to be safe from fire and explosion and not likely to cause injury to  
5 adjoining property or to the public.

6 2. The director shall have access during normal business hours to all  
7 places where motor fuels **and automotive lubricants** are marketed for the  
8 purposes of examination, inspection, taking of samples and investigation. If such  
9 access shall be refused by the owner or agent or other persons leasing the same,  
10 the director or his agent may obtain an administrative search warrant from a  
11 court of competent jurisdiction.

12 3. At least every six months, the director shall inspect and examine all

13 premises in this state at or on which gasoline, gasoline-alcohol blends, diesel fuel,  
14 heating oil, kerosene and aviation turbine fuel is kept and sold at retail, provided  
15 that sales at such premises shall aggregate on an average two hundred gallons  
16 or more per month, except marine installations, which shall be tested and  
17 inspected at least once per year.

18 4. Failure by any owner or operator of any fuel storage or dispensing  
19 system used for the sale of petroleum products to remedy any deficit or condition  
20 which is or may constitute a fire or safety hazard to adjoining property or to the  
21 public may be reason for the director to issue a stop use order on that portion of  
22 the fuel storage or dispensing system which constitutes the fire or safety  
23 hazard. The order shall remain in effect until such time as the deficit or  
24 condition is corrected. An inspection shall be performed by the director or his  
25 authorized representative within one working day of notification that the deficit  
26 or condition has been corrected.

27 5. Any owner or operator of any fuel storage or dispensing system used  
28 for the sale of petroleum products aggrieved by a stop use order, may within  
29 seventy-two hours after issuance of such order, appeal to the director for an  
30 informal hearing to explain the facts. The hearing shall be held within two  
31 working days of the receipt of the appeal, with a determination of such findings  
32 by the director within twenty-four hours of the hearing. Any owner or operator  
33 aggrieved by a determination of the director may appeal to the circuit court of the  
34 county in which the owner or operator resides.

414.112. 1. No person shall store, sell, expose for sale, or offer for sale,  
2 gasoline, diesel fuel, heating oil, kerosene, aviation turbine fuel, gasoline-alcohol  
3 blends [or], other motor fuels, **or automotive lubricants**, so as to deceive or  
4 tend to deceive the purchaser as to the nature, quality, and identity of the  
5 product so sold or offered for sale, or under any name whatsoever except the true  
6 trade name thereof.

7 2. No person shall store, sell, expose for sale, or offer for sale, any  
8 reclaimed motor or lubricating oils; except that all drums, cans, or other  
9 containers, holding such reclaimed motor or lubricating oils before being offered  
10 for sale, shall have imprinted thereon, in contrasting color with the other surface  
11 of the container, in letters not less than one-half inch in height, wording  
12 specifying "reclaimed" motor or lubricating oil.

13 3. No person shall hinder or obstruct the director, or his delegated  
14 representative, in the reasonable performance of his duties.

414.122. Every person engaged in business in this state as a common  
2 carrier or marketer of fuels or petroleum products shall exhibit upon demand by  
3 the director of agriculture or the director of revenue, books, papers, and records  
4 showing any shipment in, into or out of this state of gasoline, diesel fuel, heating  
5 oil, kerosene [or], aviation turbine fuel, **or automotive lubricants**, and also  
6 any books, papers, and records showing the origin or destination of such  
7 shipments, including the names and addresses of the consignors and consignees  
8 of such shipments.

Unofficial ✓

Bill

Copy